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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,908	04/19/2005	Johannes Boppel	W1.2132 PCT-US	3844

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EXAMINER

HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,908	Applicant(s) BOPPEL ET AL.	
	Examiner Scott Haugland	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34,37,39,41,43,45-49,53,55,57-59,61,63,65,67 and 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34,37,39,41,43,45-49,53,55,57-59,61,63,65,67 and 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/28/08 has been entered.

Drawings

The drawings are objected to under 37 CFR 1.84(u)(1) because the different views must have different numbers each preceded by "FIG." Fig. 1 includes four separate views and Fig. 4 includes two separate views.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means supporting the guide element recited in claim 34, line 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 34, 37, 39, 41, 43, 45-49, 53, 55, 57-59, 61, 63, 65, 67, and 69 are objected to because of the following informalities: "micro" is misspelled in claim 34, line 9. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 34, 37, 39, 41, 43, 45-49, 53, 55, 57-59, 61, 63, 65, 67, and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

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particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 recites the limitation "said fluid permeable portion" on line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 37, 39, 41, 43, 45-49, 53, 55, 57-59, 61, 63, 65, 67, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polkinghorne (U.S. Pat. No. 6,364,247) in view of either Helinski et al (U.S. Pat. No. 5,957,360) or Faust et al (U.S. Pat. No. 5,293,699) and further in view of Pulkowski et al (U.S. Pat. No. 5,082,533) and Eckert et al (U.S. Pat. No. 5,520,317).

Polkinghorne discloses a guide element of a web processing machine comprising: a rigid load bearing support 146 including a fluid-permeable support material having a circumferential outer support surface with a plurality of fluid openings 154 in it, a layer 130 of micro-porous, fluid permeable, open-pored material covering the load bearing support, and a plurality of micro-openings 140 in the coating of the micro-porous air permeable material.

Polkinghorne does not disclose that the layer of micro-porous, fluid permeable, open-pored material is sinter material and does not disclose means supporting the guide element adapted to be positioned in a selected one of at least first and second angular positions in respect to a direction of travel of the web.

Helinski et al teaches forming a fluid flow restricting layer 68 of an air cushion forming web guide of a sinter material.

Faust et al teaches forming a fluid flow restricting layer 34 of an air cushion forming web guide of a sinter material.

Assuming, arguendo, that the layer of micro-porous, fluid permeable, open-pored material covering the load bearing support in Polkinghorne is not a coating, Pulkowski et al teaches forming a sintered porous layer on a support by spray coating (col. 4, lines 50-65).

Eckert et al teaches mounting a guide element for web material on means supporting the guide element that is adapted to be positioned in a selected one of at least first and second angular positions in respect to a direction of travel of the web (see Fig. 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Polkinghorne with a layer of sinter material as taught by Helinski et al or Faust et al to restrict air flow with low noise generation. It would have been obvious to apply the sinter material by coating it on the load bearing support as taught by Pulkowski et al to improve manufacturing efficiency. It would have been obvious to use the web guide of Polkinghorne in a web turning apparatus having means

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supporting the guide element adapted to be positioned in a selected one of at least first and second angular positions in respect to a direction of travel of the web as taught by Eckert et al to simplify the turning bar structure over that in Eckert et al.

With regard to claims 41, 45, 48, 49, 53, 55, 57-59, 61, 63, and 69, it would have been a routine matter to determine suitable dimensions and values of the various claimed parameter to provide a suitable guide element for a particular type, thickness, and width of web having a particular range of tensions and speeds since the various dimensions and parameters affect the function of the guide in known, predictable ways. Polkinghorne and Pulkowski et al disclose pore diameters or sintered layer thicknesses in or overlapping the claimed ranges.

Response to Arguments

Applicants' arguments filed 8/28/08 have been fully considered but they are not persuasive.

Applicants argue that the micro-porous layer 130 in Polkinghorne is not the same as a coating. However, a coating is by definition a layer of material. Nothing in the claims or specification indicate how the coating in applicants' apparatus is formed or attached to tube 07. The layer 130 in Polkinghorne appears to be a coating within the broad meaning of the term as it is used in applicants' specification. Additionally, Pulkowski et al teaches a micro-porous layer 28 that is explicitly disclosed as a coating.

Applicants argue that exterior layer 132 having regularly spaced holes is not the same as the claimed open-pored sinter material. However, Faust et al, Helinski et al,

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and Pulkowski et al teach using a layer of sinter material separate from an underlying load-bearing support to form a porous layer similar to 132 in Polkinghorne.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brendemuehl (U.S. Pat. No. 4,176,775), Crouse et al (U.S. Pat. No. 4,925,080), Keip (U.S. Pat. No. 5,505,042) are cited to further show air cushion web guides having air flow restricting layers. Ilmarinen (U.S. Pat. No. 5,383,288) is cited to show a web processing apparatus including a porous sintered web guiding surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/14/08

/SJH/

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654